

## EXHIBIT H

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UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF WASHINGTON  
 AT SEATTLE

Chintan MEHTA, *et al.*, on behalf of )  
 themselves and a class of all )  
 individuals similarly situated, )

*Plaintiffs,* )

v. )

U.S. DEPARTMENT OF STATE, *et al.*, )

*Defendants.* )

Case No.: 15-1543

Declaration of Sharon  
 Mehlman on behalf of the  
 Alliance of Business  
 Immigration Lawyers

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**DECLARATION OF SHARON MEHLMAN  
ON BEHALF OF THE ALLIANCE OF BUSINESS IMMIGRATION LAWYERS**

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I, Sharon Mehlman, being an adult of sound mind and body, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. My name is Sharon Mehlman. I am an immigration attorney licensed to practice in the State of California. I currently serve as President of the Alliance of Business Immigration Lawyers (ABIL), and submit this Declaration in that capacity. The Alliance of Business Immigration Lawyers (ABIL) is comprised of 20 of the top U.S. business immigration law firms, each led by a prominent member of the U.S. immigration bar. ABIL member firms employ over 250 attorneys (700+ total staff) devoted to business immigration in 25 major U.S. cities, plus 25 international cities. More information about our organization is available at [www.abil.com](http://www.abil.com).

2. As immigration lawyers, the issuance of the Visa Bulletin by the Department of State -- and the critical information it conveys -- each month shapes many aspects of our practice. It affects workloads, staffing, and overtime decisions. As soon as we see the upcoming month's bulletin, we immediately identify which of our clients are eligible, set up matters in our case management systems, request information from eligible clients to allow necessary forms to be completed and give them instructions as to required documents they must attain. Upon receipt of the

1 supplemental information and documents needed, we communicate with the client  
2 to review individual legal issues to confirm eligibility for the immigration or visa  
3 benefit sought, draft and prepare forms and documents for review for accuracy,  
4 completeness and approval, as well as any desired changes before filing, send final  
5 documentation to clients for review and signature, and assemble applications and  
6 supporting documents pursuant to U.S. Citizenship and Immigration Services  
7 (USCIS) regulations, statutory requirements and agency guidelines.  
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10 3. Based upon our instructions, which in turn are based upon information in the  
11 Visa Bulletin, clients (who may be U.S. citizens, lawful permanent residents,  
12 sponsoring employers, sponsored foreign nationals and their eligible family  
13 members incur significant expenses and expend substantial time and resources in  
14 allowing us to prepare their adjustment of status applications for submission to  
15 USCIS. Expenses include scheduling and paying for medical examinations by  
16 USCIS-approved physicians, taking and purchasing photographs, obtaining legal  
17 documents both in the U.S. and from abroad (e.g., birth certificates, affidavits of  
18 birth, certificates confirming the unavailability of records, court and police records,  
19 marriage/divorce degrees, etc.) arrange and pay for the translation of foreign-  
20 language documents into English, and schedule or re-schedule travel because they  
21 must be in the U.S. on the day USCIS receives the adjustment of status  
22 applications, and many cannot travel after filing until they receive USCIS issued  
23 travel documents known as advance parole travel authorization.  
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1       4. We are ordinarily equipped to handle the usual fluxuations in the Visa  
2 Bulletin. However, with the U.S. Department of State (DOS) and USCIS  
3 announcements on September 9, 2015 of the changes in the filing procedures,  
4 thousands of foreign nationals -- our current and prospective clients as well as the  
5 eligible population of represented and unrepresented individuals became eligible to  
6 apply for adjustment of status during the month of October, 2015. Given that many  
7 of these individuals have waited years for this opportunity, they and their  
8 employers were pushing legal counsel to have cases ready at the beginning of  
9 October, as close to October 1 as possible. Therefore, because of the large number of  
10 clients affected by the procedures announced in the October 1, 2015 Visa Bulletin,  
11 attorneys and our staffs have been working overtime since September 9, 2015. In  
12 addition, in many law firms, additional temporary help had to be engaged to handle  
13 the increased workload.

17       5. The Visa Bulletin and the processes explained above are not new. Since the  
18 changes to the immigrant visa preference system wrought by the Immigration Act  
19 of 1965, we have consistently relied on the information provided by DOS in this  
20 uniformly reliable document. As such, we provide legal advice and guidance to our  
21 clients based on that information. Because of the September 25, 2015 changes to  
22 the Visa Bulletin, and the corresponding change in eligibility to file for adjustment  
23 of status announced by USCIS, we cannot rely on or trust the information provided  
24 by these federal agencies. These changes make it extremely difficult to provide  
25 legal advice or to competently strategize with and counsel employers and  
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1 individuals regarding their feasibility and timing of attaining their business and  
2 personal objectives which can only be realized through satisfactory compliance with  
3 immigration law. The permanent residency process is already confusing and full of  
4 unknowns without the abrupt changes announced on September 25; clients want  
5 and deserve predictability. While a particular legal outcome cannot be guaranteed,  
6 the essential point of the new Visa Bulletin system -- introduced as a result of  
7 President Obama's executive actions announced on November 20, 2014 was to  
8 modernize and bring more predictability and stability to the system and help law  
9 abiding foreign nationals patiently waiting to qualify earlier for precious  
10 immigration benefits. Instead, these agencies -- by their recent actions -- have  
11 thrown everything into chaos.

12 6. Based on our communications with other attorneys around the country, we  
13 believe the experiences of ABIL members described in this declaration are  
14 essentially identical. Estimates are that over 75% of the individuals will become  
15 ineligible to file under the September 25 changes to the Visa Bulletin. In some  
16 office, that number is much higher, even approaching 100%. In addition to dealing  
17 with the disappointment and heartbreak of clients and we are now become the  
18 bearers of bad news without adequate explanation since we lack the ability to  
19 foresee unforeseeable events of this kind. As advocates for our clients, we are  
20 already working as quickly as possible to notify each client to discuss the options  
21 and to devise new strategies.

7. However, some of the damage has already been done and attorneys now need to provide new strategies on the best way to proceed. Once the Visa Bulletin came out on September 9, 2015, decisions were made regarding specific individuals. For example, some foreign nationals and sponsoring employers no doubt relied justifiably on the original version of the October 1, 2015 Visa Bulletin to avoid incurring the substantial burdens, filing and legal fees and other associated expenses, including the cost of foreign air travel and lodging, and thus declined to extend expiring or expired nonimmigrant work-visa status and renew corresponding work and derivative family-member visas. These employers face the loss of valued workers who cannot now continue to render services without the employment authorization available through adjustment of status. The individuals in question now may also have incurred or be at risk of suffering numerous statutory penalties:

- a. the failure to maintain lawful nonimmigrant status, accrual of unlawful-presence and immediate visa-voidance under Immigration and Nationality Act (INA) §§ 212(a)(9)(B) and 222(g) [ 8 USC §§ 1182(a)(9)(B) and 1222(g)],
- b. the future ineligibility to adjust status under INA §§ 245(a) and (c) [ 8 USC §§ 1255(a) and (c)] or
- c. the inability to benefit from the statutory exception to adjustment ineligibility under INA § 245(k) [ 8 USC § 1255(k)], or
- d. the inability to gain “age-out” protection for minor children approaching age 21 under the Child Status Protection Act, Pub. L. No.

107-208, or

e. the ineligibility to benefit from the job-flexibility provisions of the American Competitiveness in the 21st Century Act, Pub. L. No. 106-313.

8. In the interest of justice and fairness to the large number of affected individuals, we at ABIL urge this Court to require USCIS and DOS to follow the initial October visa bulletin as published on September 9, 2015.

9. Verification

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on September 30, 2015,



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Sharon Mehlman

List of ABIL Members:

Philip Curtis

Laura Danielson

Rami Fakhoury

Bryan Funai

Steven Garfinkel

Kehrela Hodkinson

Mark Ivener

DECLARATION OF SHARON MEHLMAN ON  
BEHALF OF THE ALLIANCE OF BUSINESS  
IMMIGRATION LAWYERS – 7

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DECLARATION OF SHARON MEHLMAN ON  
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